

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**UNITED STATES OF AMERICA,**

**DOCKET NO. 3:01CR2**

**V.**

**ORDER**

**ALLEN DWAYNE BERRY**

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This MATTER is before the Court on Defendant's Pending Motion, (Doc. No. 227) Motion to Delay Payment of Restitution. Defendant Berry agreed to pay restitution in paragraph 5 of his Plea Agreement (Document 87). The Judgment (Document 110) ordered the defendant to pay restitution to the victim immediately after its entry. That document reads, in pertinent part that "Unless the court has expressly ordered otherwise in the special instructions..., if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of incarceration."

IT IS ORDERED, that Defendant's Motion (Doc. No. 227) is **DENIED**.

Signed: October 21, 2021



Frank D. Whitney  
United States District Judge

